

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 21 and 22 are pending in this application. Claims 1-19 have been canceled without prejudice or disclaimer of subject matter. Claim 20 is withdrawn. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Support for this amendment is provided throughout the Specification as originally filed. No new matter has been introduced by this amendment. Changes to claims are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. § 101 and 35 U.S.C. § 112

Claim 22, which was rejected under 35 U.S.C. § 101 as allegedly direct to non-statutory subject matter, is hereby amended, obviating the rejection.

Claims 21 and 22, which were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite, are amended herein, obviating the rejection.

III. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 20 and 21 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 7,039,599 to Merriman, et al. (hereinafter, merely "Merriman")

Claim 21 recites, *inter alia*:

"...receiving picture information and related information as a single handling unit,

wherein a predetermined operation is processed as a single unit in response to a related operation command,

wherein the predetermined operation is one or more instructions, and

wherein each of the one or more instructions is processed as a function of the related information, and

wherein each of a plurality of operations comprise a specific predetermined operation and instructions..."

As understood by Applicants, cited portions of Merriman, specifically column 4, lines 44-49, relate to describing a feedback loop where a user may or may not take action and from there a fee is calculated and the ad is replaced.

The Office Action also cites column 3, lines 13-36 of Merriman. The cited portion of Merriman describes limiting the amount an ad is displayed in order to avoid “burn out”, which is where a user is desensitized to it.

A further process described in the cited portion of Merriman is an ad related to a Christmas tree. Merriman describes how it is advantageous to run it certain times of the year and not at other times of the year.

Applicants respectfully submit that such disclosure does not render claim 21 unpatentable.

Furthermore, Applicants submit that Merriman does not teach or suggest, or render predictable the above-identified features of claim 21. Specifically, Applicants submit that Merriman fails to teach or suggest, or render predictable:

1. “receiving picture information and related information as a single handling unit, wherein a predetermined operation is processed as a single unit in response to a related operation command, wherein the predetermined operation is one or more instructions, and

2. wherein each of the one or more instructions is processed as a function of the related information, and wherein each of a plurality of operations comprise a specific predetermined operation and instructions”,

Both as recited in claim 1.

Therefore claim 21 is patentable.

For reasons similar or somewhat similar to those recited above regarding claim 21, claim 22 is also patentable.

CONCLUSION

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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